

Serial No. 10/781309

- 4 -

Art Unit: 2683

In the claims:

1. (currently amended) A program product for use by a wireless device, the program product comprising a computer readable medium having embodied therein a computer program for storing data, the computer program for use by an access point in a wireless networking communications environment, the computer program comprising:

Logic logic for scanning a plurality of radio frequency channels during a scan interval;

logic for monitoring each of the scanned channels for indication of utilization of ones of the channels Logic for receiving messages from other access points on the plurality of radio frequency channels during the scan interval;

Logic logic for maintaining a channel map having an entry for each of the plurality of radio frequency channels, and if one or more messages was received on a channel, the corresponding entry further including an AP-ID for at least one of the access points that sent a message on the channel;

Logic logic for selecting a channel from the channel map based at least in-part on whether an indication of utilization of the selected channel was detected;

Logic logic for transmitting messages on the selected channel during a claim interval prior to utilizing the selected channel for normal communications, at least one message indicative of an intent to utilize the selected channel;

Logic logic for monitoring for receiving messages from other access points on the selected channel during the claim interval for a message indicative of an intent to utilize the selected channel; and

Serial No. 10/781309

- 5 -

Art Unit: 2683

~~Logic~~ logic for ascertaining whether the wireless device apparatus should commence communications with other wireless devices on the selected channel based upon characteristics of the any messages received on the channel.

2. (currently amended) The program product of claim ~~2~~ 1 wherein the logic for maintaining a channel map further stores a power level for each AP-ID for each entry in the channel map, and wherein the logic for selecting a channel from the channel map selects a channel having either no AP-ID or an AP-ID that has the lowest stored power level.

3. (currently amended) The program product of claim ~~3~~ 1 wherein the logic for ascertaining whether the wireless device apparatus should commence communications with other wireless devices on the selected channel based upon characteristics of the messages received on the selected channel comprises:

logic for evaluating the power level of messages received on the selected channel, and if the power level of messages received on the selected channel is below a threshold, the logic for ascertaining indicates that the wireless device apparatus should commence communications with other wireless devices on the selected channel.